

SENATE BILL 1798
By Bryson

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11 and Title 40, Chapter 4, relative to the form of bail in certain cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-4-117, is amended by deleting subsection (a) and substituting instead the following:

(a) In all misdemeanor cases where bond is made for appearance before the court of general sessions, the judge is authorized and empowered to prescribe the amount of bail, either cash or otherwise, within the same discretionary powers as are granted to judges of the circuit and criminal courts by § 40-11-104, and that the form of bail for all bailable offenses involving a worthless check, a child custody or support violation or a violation of the defendant's probation be a cash deposit bond, within the same discretionary powers and limitations granted to judges of the circuit and criminal courts by § 40-11-152.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following as a new section:

Section 40-11-152.

(a) If the criminal or circuit court judge, or chancellor if applicable, determines that imposing bail is an appropriate condition for the release of a defendant, and the bailable offense involves a worthless check, a child custody or support violation or a violation of the defendant's probation, the judge or chancellor shall have, in addition to determining the amount of bond in accordance with § 40-11-118, and the conditions of release pursuant to § 40-11-116, the authority to require that the form of bond be a cash deposit bond.

(b) Nothing in the authority granted a judge or chancellor in subsection (a) to determine that the form of the bond be a cash deposit bond shall be construed to permit a judge to abrogate a defendant's right to be admitted to bail pursuant to Article I, § 15 of the Constitution of Tennessee or Tennessee Code Annotated, Section 40-11-102.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.